

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.9569 of 2016

Arising Out of PS.Case No. -845 Year- 2015 Thana -MADHEPURA COMPALINT CASE District-
MADHEPURA

1. Shashi Kumar Suman S/o Triweni Yadav, Resident of Village -
Jaipalpatti, Ward No. 26, under Nagar Parishad, Madhepura, P.S. -
Madhepura, District - Madhepura.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Birendra Kumar Singh, S/o Late Rajeshwar Yadav, Resident of Village
- Musalman Tola, Gamharia, P.S. - Gamharia, District - Madhepura.

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nafisuzzoha

For the Opposite Party/s : Mr. Sharda Kumari (App)

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA
ORAL ORDER

2 11-04-2016 Heard learned counsel for the petitioner, learned
counsel for the informant and learned A.P.P. for the State.

The petitioner apprehends his arrest in
connection with Complaint case No. 845/2015 registered for the
offences punishable under Sections 409/34 of the I.P.C.

The accusation is that the complainant Birendra
Kukumar Singh approached to M/S Baba Bhairav Automobiles
Bypass Road Ward No. 19, Madhepura owned by the petitioner
to purchase the tractor. He took the tractor of Rs.5,81,000/- on
payment of Rs. 1,43000/- and rest amount was to be paid in
instalments. At that time petitioner also took many blank



cheques with signature of the complainant of account of H.D.F.C. Bank as surety. On 05.03.2015 the complainant paid Rs. 3, 76,000/- to co-accused Tulakant Yadav, agent of petitioner making receipt over revenue stamp. On 07.03.2015 when the complainant went at the agency of the petitioner and made demand of blank cheques and the paper deposited at the time of taking the tractor but same were not returned and tractor was taken back by the petitioner on false pretext while Rs. 62,000/- was due against the complainant.

Learned counsel for the petitioner submits that in fact the complainant had given cheques to petitioner of Rs. 4, 38,000/- dated 06.05.2015 of H.D.F.C. Bank in respect to payment of installments of tractor but same could not encased due to lack of money in the account of complainant then petitioner filed complainant on 03.07.2015 in the Court of learned Chief Judicial Magistrate, Madhepura due to that reason the present case has been lodged by the complainant with false allegation.

Considering the aforesaid facts and circumstances, let the petitioner, above named, in the event of his arrest or surrender within a period of six weeks from today before the Court below be enlarged on bail on furnishing bail bonds of Rs,

10,000/- (ten thousand only) with two sureties of the like amount each to the satisfaction of Shri Firoj Akram, learned Judicial Magistrate, 1st class, Madhepura in Complaint case No. 845/2015, subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure.

(Rajendra Kumar Mishra, J)

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